

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VDPP, LLC,

Plaintiff,

Case No. 23-cv-11462
Hon. Matthew F. Leitman

v.

FORD MOTOR COMPANY,

Defendant.

/

**ORDER GRANTING PLAINTIFF LEAVE
TO FILE A FIRST AMENDED COMPLAINT**

On June 20, 2023, Plaintiff VDPP, LLC filed this patent infringement action against Defendant Ford Motor Company. (*See* Compl., ECF No. 1.) Ford has now filed a motion to dismiss VDPP's Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). (*See* Mot. to Dismiss, ECF No. 12.) One of the primary bases for dismissal is that VDPP has failed to plead sufficient facts to state viable claims under the Supreme Court's decisions in *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009), and *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007). (*See, e.g., id.*, PageID.385-391.)

Without expressing any view regarding the merits of the motion to dismiss, the Court will grant VDPP the opportunity to file a First Amended Complaint in order to remedy the alleged deficiencies in its allegations identified in the motion to

dismiss. The Court does not anticipate allowing VDPP another opportunity to amend to add factual allegations that it could now include in its First Amended Complaint. Simply put, this is VDPP's opportunity to amend its allegations to cure the alleged deficiencies in its claims.

By **September 25, 2023**, VDPP shall file a notice on the docket in this action notifying the Court and Ford whether it will amend its Complaint. If VDPP provides notice that it will be filing a First Amended Complaint, it shall file that amended pleading by no later than **October 9, 2023**. If VDPP provides notice that it will not be filing a First Amended Complaint, it shall respond to Ford's motion to dismiss by no later than **October 9, 2023**.

Finally, if VDPP provides notice that it will be filing a First Amended Complaint, the Court will terminate without prejudice Ford's currently-pending motion to dismiss as moot. Ford may re-file a motion to dismiss directed at the First Amended Complaint if it believes that such a motion is appropriate after reviewing that pleading.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: September 13, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on September 13, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
(313) 234-5126